

DEFENDANT’S REQUESTED PENALTY PHASE INSTRUCTION NO. 3

**INSTRUCTION REGARDING THE EFFECT OF AN
INABILITY TO REACH A UNANIMOUS SENTENCING DECISION**

If the jury is unable to reach a unanimous decision in favor of either a death sentence or of a life sentence, I will impose a sentence of life imprisonment without possibility of release upon the defendant. That will conclude the case. At this sentencing stage of the case, the inability of the jury to agree on the sentence to be imposed does not require that any part of the case be retried. It also does not affect the guilty verdicts that you have previously rendered.